

DJ/HDM:PJC
F. #2022R00445

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----- X

UNITED STATES OF AMERICA

- against -

VLADISLAV KOTLYAR,

Defendant.

----- X

THE UNITED STATES ATTORNEY CHARGES:

I N F O R M A T I O N

Cr. No. _____

(T. 18, U.S.C., §§ 981(a)(1)(C), 1341, 2
and 3551 et seq.; T. 21, U.S.C., § 853(p);
T. 28, U.S.C., § 2461(c))

I N T R O D U C T I O N

At all times relevant to this Information, unless otherwise indicated:

I. The Defendant and Relevant Entities and Addresses

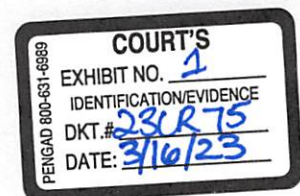
1. The defendant VLADISLAV KOTLYAR resided at an address in Staten Island, New York, that is known to the United States Attorney ("Address-1").

2. The defendant VLADISLAV KOTLYAR's family members resided at a second address in Staten Island, New York, that is known to the United States Attorney ("Address-2").

3. Pharmacy-1, whose identity is known to the United States Attorney, was, among other things, a national pharmacy provider of baby formula.

4. Insurer-1, whose identity is known to the United States Attorney, was, among other things, a private health insurance provider.

5. Insurer-2, whose identity is known to the United States Attorney, was, among other things, a private health insurance provider.



6. Insurer-3, whose identity is known to the United States Attorney, was, among other things, a private health insurance provider.

7. Distributor-1, whose identity is known to the United States Attorney, was a national pharmaceutical products distributor who was responsible for fulfilling prescription orders for baby formula for Pharmacy-1.

8. Distributor-2, whose identity is known to the United States Attorney, was a national distributor of medical supplies, including baby formula.

9. John Doe #1, whose identity is known to the United States Attorney, was a resident of Brooklyn, New York.

II. The Mail Fraud Scheme

10. From approximately March 2019 to October 2022, the defendant VLADISLAV KOTLYAR, together with others, submitted and caused the submission of forged prescriptions and medical records for specialty baby formula to Pharmacy-1 and Distributor-2, among others, and caused specialty baby formula to be sent and delivered by private and commercial interstate carriers from Distributor-1 and Distributor-2 to KOTLYAR at Address-1 and Address-2 and to the infants' parents at their respective addresses, which are known to the United States Attorney.

11. Specifically, the defendant VLADISLAV KOTLYAR and others obtained medical records and prescriptions for infants in need of specialty formula due to allergies or food sensitivities. KOTLYAR forged those medical records and prescriptions and submitted them, along with proof of insurance and a prescription request or letter of medical necessity, to Pharmacy-1 and Distributor-2, among others. The prescription request or letter of medical

necessity included the name of the medical provider listed in the medical records, but the signature and other prescription information was forged.

12. Pharmacy-1 and Distributor-2 shipped the specialty baby formula to the defendant VLADISLAV KOTLYAR at Address-1 or Address-2 or to the infants' parents at their respective addresses, who then provided it to KOTLYAR. Pharmacy-1 submitted claims to Insurer-1, and Distributor-2 submitted claims to Insurer-2 and Insurer-3 under the infants' insurance for the cost of the specialty baby formula, which was covered if the baby formula was medically necessary and prescribed.

13. Once formula was delivered to Address-1, Address-2 or to the infants' parents, the defendant VLADISLAV KOTLYAR and others contacted Distributor-1 and Distributor-2 via phone or email to report a variety of fabricated issues with the shipments, including that the wrong type of formula was shipped or that the shipments were damaged. During these calls, KOTLYAR represented that he was the father of the infants and used their names. Based on KOTLYAR's representations, Distributor-1 and Distributor-2 shipped replacement formula using a commercial interstate carrier to Address-1, Address-2 or the infant's parents' address at no cost.

14. The defendant VLADISLAV KOTLYAR sold the fraudulently obtained formula.

15. From approximately March 2019 to April 2022, the defendant VLADISLAV KOTLYAR caused Insurer-1 to be billed approximately \$1.5 million in claims for specialty baby formula from Pharmacy 1 that were fraudulently obtained through KOTLYAR's submissions to Pharmacy-1.

16. From approximately December 2019 to October 2022, the defendant VLADISLAV KOTLYAR caused Distributor-2 to bill insurers approximately \$434,000. Distributor-2 also shipped approximately \$175,000 worth of formula in the form of no-cost replacement shipments.

MAIL FRAUD

17. The allegations contained in paragraphs one through 16 are realleged and incorporated as if fully set forth in this paragraph.

18. In or about and between March 2019 and October 2022, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant VLADISLAV KOTLYAR, together with others, did knowingly and intentionally devise a scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises, and for the purpose of executing such scheme and artifice, did place and cause to be placed one or more matters and things in a post office and authorized depository for mail matter, to be sent and delivered by the United States Postal Service, and did deposit and cause to be deposited one or more matters and things to be sent and delivered by private and commercial interstate carrier, and did take and receive therefrom such matters and things, as set forth below:

Approximate Date	Description
September 16, 2021	Baby formula purportedly prescribed to John Doe #1 and sent by private interstate carrier to Staten Island, New York.

(Title 18, United States Code, Sections 1341, 2 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION

19. The United States hereby gives notice to the defendant that, upon his conviction of the offense charged, the government will seek forfeiture in accordance with Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), which require any person convicted of such offense to forfeit any property, real or personal, constituting, or derived from, proceeds obtained directly or indirectly as a result of such offense.

20. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

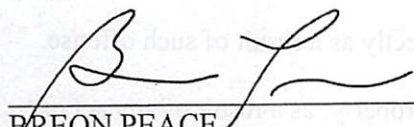
- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided

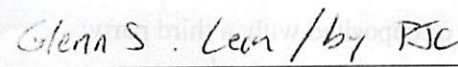
without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to

seek forfeiture of any other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 981(a)(1)(C); Title 21, United States Code, Section 853(p); Title 28, United States Code, Section 2461(c))


BREON PEACE
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK


GLENN S. LEON
CHIEF, FRAUD SECTION
CRIMINAL DIVISION
U.S. DEPARTMENT OF JUSTICE

No. _____

UNITED STATES DISTRICT COURT

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

VLADISLAV KOTLYAR,

Defendant.

INFORMATION

(T. 18, U.S.C., §§ 981(a)(1)(C), 1341, 2 and 3553 et seq.;
T. 21, U.S.C., § 853(p); T. 28, U.S.C., § 2461(c))

A true bill.

Foreperson

Filed in open court this _____ *day,*

of _____ *A.D. 20* _____

Clerk

Bail, \$ _____

Patrick J. Campbell, DOJ Trial Attorney (718) 254-6366